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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOMMY STEWART,

Petitioner,

vs.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 2:21-cv-01490-APG-BNW

**UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE THE
ANSWER TO THE REMAINING CLAIMS
IN THE SECOND AMENDED PETITION
FOR WRIT OF HABEAS CORPUS
(ECF NO. 15)**

(FIRST REQUEST)

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a forty-five-(45) day enlargement of time, up to and including June 5, 2023, in which to submit the answer to the remaining claims in Petitioner Tommy Stewart's Second Amended Petition for Writ of Habeas Corpus (ECF No. 15). The response is currently due April 21, 2023.

Respondents base this motion on the declaration of Counsel.

This is Respondents' first request for an extension of time in which to file an answer and made in good faith and not for purposes of delay.

DATED this 19th day of April, 2023.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

I, Michael J. Bongard, being first duly sworn under oath, depose and state as follows:

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents' Motion for Enlargement of Time to file the answer to the remaining claims in Petitioner Tommy Stewart's Second Amended Petition (First Request) in the above-captioned case. By this motion, I am requesting a forty-five (45) day enlargement of time, up to and including, June 5, 2023, to file and serve the answer. The response is currently due April 21, 2023.

2. Counsel entered his appearance on this case on April 12, 2023, due to the resignation of prior counsel of record. Since April 21, 2023, Counsel drafted the answer to Ground One in the petition. However, Counsel needed to set aside further work on the answer in order to file the answer to the remaining claims in *Cardenas v. Neven*, et al., case number 3:15-cv-00476-MMD-CLB, due on April 24, 2023, and already on a second enlargement of time. Counsel has one remaining claim to answer and will file the answer on time.

3. Since filing his entry of appearance, Counsel also prepared for a preliminary hearing in the Ely Justice Court, which took place on April 17, 2023, in *State v. Campbell*, case number 23-CR-00044-7K.

4. On April 17, 2023, Counsel e-mailed opposing counsel Shelly Richter to determine her position on this motion. Ms. Richter responded stating that she does not oppose this request.

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1 Based upon the reasons stated herein, Counsel respectfully requests the Court grant the unopposed
2 motion for enlargement of time to June 5, 2023, to file the Answer to the remaining claims in this matter.

3 I declare under penalty of perjury that the preceding is true and correct.

4 DATED this 19th day of April, 2023.

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6 By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
7 Senior Deputy Attorney General
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10 **IT IS SO ORDERED:**

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UNITED STATES DISTRICT JUDGE

13 Dated: April 19, 2023
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